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June 30, 2025

APPLICATION GRANTED
SO ORDERED

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VIA ECF

Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007



John G. Koeltl, U.S.D.J.

Re: *NCR Voyix Corp. v. Embarcadero Techs. Europe, Ltd.*,
Case No. 1:24-cv-04458-JGK

Dear Judge Koeltl:

On behalf of Plaintiff NCR Voyix Corporation ("NCR") and pursuant to the Court's Individual Practices Section VII.A.2, we respectfully seek the Court's permission to seal the following documents in connection with NCR's Motion for Summary Judgment: (1) NCR's Reply Memorandum of Law, solely to redact quotations from the March 31, 2023 Settlement and Release Agreement between the parties ("Settlement"), the contract at issue in this litigation; and (2) the Second Declaration of Robert Usner, solely to redact references to material previously filed under seal by Defendant Embarcadero Technologies Europe Limited.

Section 8 of the Settlement contains a confidentiality provision that designates the entire agreement as confidential. Moreover, the Settlement contains significant commercially sensitive terms, including a payable settlement amount and specifically negotiated license pricing terms. Notably, the Court has already permitted that the Settlement Agreement be filed under seal in this litigation. ECF 15, 80, 93, 103, 116, 121.

In accordance with the Court's Individual Practices, copies of the Reply Memorandum of Law and Second Declaration of Robert Usner are filed contemporaneously with this letter motion. Undersigned counsel conferred with Embarcadero regarding this sealing application to narrow the scope of the request. Counsel for Embarcadero indicated that Embarcadero did not oppose the requested relief, which NCR has tailored to mirror the scope of the parties' letter motions to seal in this litigation. ECF 69, 84, 94, 107.

We appreciate the Court's attention to this matter.

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Respectfully Submitted,

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